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1 found that there are many holes in the
2 specifications. There are entire scenarios that are
3 not explained as to how they should be supported in
4 this EDI interface.

5 Again, the example I would give for--one
6 would be doing a partial migration, migrating a
7 customer may have five lines. They want two lines to
8 go to MCI. The directory listing support, directory
9 listings are critical for customers. Messing up
10 someone's directory listings can result in lawsuits,
11 I understand, and the support for that in this
12 interface is minimal. Business rules around the few
13 pieces of support for like main line listing are even
14 not fully flushed out.

15 We just find even the smallest of errors
16 and discrepancies where two character fields are
17 supposed to fit three character data elements, and so
18 we're a ways from where we need to be to really be
19 able to put this kind of interface into operation.
20 We've been working diligently over the last several
21 months trying to get certification test scenarios
22 from NYNEX, and what I mean here is typically for
23 operational readiness behave a list of all the
24 critical order type scenarios to that the system

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1 should be able to interface and process successfully.

2 Just establishing this list has been a
3 challenge. I think we know what our list is but in
4 NYNEX's documentation they reference that there is a
5 certification tests that we will put through and then
6 we've gone through quite a challenge just trying to
7 get a list of what that is. We recently did receive
8 that within the last week. We had been requesting it
9 and actually talking about developing this test plan
10 since our meetings in early January.

11 We've already picked out a test order or
12 test transaction in an attempt to sort of
13 simultaneously begin testing and working out all of
14 our business rule issues. We're trying to expedite
15 the process as much as possible. Even the initial
16 orders that we've sent, we've sent some last week, in
17 fact, the beginning of last week, and from what we
18 can tell, NYNEX has not even gone to pull those
19 orders, those test orders from their system, yet,
20 today, to create the responses back to our system.

21 This type of testing, this, to be
22 operational ready in the timeframes that we would
23 like to be operational ready requires really
24 day-to-day activity. It requires a good deal of

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1 commitment, and although we have now established good
2 points of contact with an IXC and we are moving
3 forward on this. This is still a long way from being
4 an operationally ready state and being able to
5 support a fully competitive environment.

6 We've had challenges--

7 BY JUDGE STEIN:

8 Q Can I ask you if--you're still doing
9 trials?

10 A (Spivy) Actually implementation.

11 Q With real customers?

12 A (Spivy) No.

13 Q With employees and--

14 A (Spivy) Well, actually, the implementation
15 planning trying to set up the EDI error case we are
16 very far from being able to send orders for customers
17 for live provisioning. Really the trialing we can
18 only accomplish using the GUI.

19 Q I see. Please proceed.

20 A (Spivy) Sorry. Sorts of on the
21 implementation perspective. It is what we're trying
22 to set up. We're actually being ready on a
23 commercial available basis. Without having the EDI
24 interface up we do not feel we will be able to offer

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1 service on a commercially available basis.

2 We have tried doing manual order processing
3 in other markets before and it has not been the
4 answer. It has been something that we will avoid at
5 all costs, and I guess moving a little further to
6 some of our issues and trying to set up the EIF
7 transaction that I mentioned which was in our case we
8 were testing the feature availability transaction
9 whereby you can make an inquiry to NYNEX and you can
10 obtain all the information about what particular
11 services and features would be available for a given
12 customer in a given area.

13 We see this particular function as critical
14 to our sales process. For every customer we speak to
15 we want to know what is the full suite of offerings
16 we can provide to this customer. We certainly don't
17 want to be in a position where we offer someone the
18 ability to sign up for Caller I-D and it is not
19 available at their location and have to call them
20 back later.

21 In setting up this, our biggest challenge
22 has been that we finally figured out the right
23 specifications. There were a few specification
24 changes during the time they were doing our analysis

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1 and there was a recent specification upgrade March
2 1st but in looking at the specifications we can even
3 exchange this data but we have been unable to obtain
4 from NYNEX really what this data is. They have set
5 it up such that there are certain indicators.

6 I might say the blocking indicator. What
7 does the blocking indicator mean? Does that mean
8 that this man can't have which type of blocking? I
9 mean, there's literally about 10 or 12 different
10 types of blocking options. Is that any one of them?
11 Is there more to it than this?

12 That's one element of numerous that we've
13 been working at over a month trying to get the
14 details of what data we're receiving without
15 understanding that we can't possibly program that
16 into our systems, and these types of delays there
17 really are, frankly, shutting down a lot of our
18 progress on building the interfaces and the internal
19 systems that we need to get to market.

20 We do have some limited experience with
21 response times, using this EIF transaction and we
22 found generally over a minute, maybe a minute to two
23 minutes, that tends to run pretty parallel to
24 Mr. Kennedy's experiences.

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1 The last thing with respect to EIF is that
2 in Mr. Miller's testimony he states that this is a
3 universal specification which sort of suggests this
4 is some kind of standard or universally used format
5 for sending orders or whatever perhaps throughout the
6 country.

7 Well this could not be further from the
8 truth. It is true that NYNEX submitted EIF for
9 consideration to what is called the ECIC committee,
10 communications committee that looks at mechanized
11 standards for exchanging data, and in the recent
12 results from this committee, the committee had with
13 five or six proposals on the table. They've been
14 looking at since November, specific to preordering,
15 since preordering has been quite a bit of debate.

16 On March 7th they did take a vote. The
17 voting members of this committee looked at five
18 different technologies, NYNEX being included with
19 their EIF proposal.

20 JUDGE STEIN: I'm going to interrupt you,
21 unless you have firsthand experience with this
22 committee, I'm not sure that this is the forum.
23 I'd be happy to have a report of the
24 transactions of this committee and where it

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1 stands. It has been an issue, but perhaps you
2 do have firsthand experience but, if not, I'd
3 rather have it in another form?

4 THE WITNESS: (Spivy) We can certainly
5 provide minutes of the committee members.

6 JUDGE STEIN: Or a writeup if there's
7 differences about it.

8 A (Spivy) I think the result is critical
9 here, that of the five that were being evaluated
10 NYNEX's was evaluated as the least favorable
11 alternative, and the industry will be moving forward
12 with an EDI, using what's called a transport protocol
13 called TCPIP. They will be moving forward with that
14 industry standard for all the preordering exchanges
15 of data.

16 And so for us we've seen this moving in
17 this direction and we certainly, this is a critical
18 thing for a large national CLEC as ourselves will be
19 looking to implement industry standards throughout
20 the country for these interfaces.

21 MR. ROWE: Point of information: Are we
22 going to do this by report or bring the witness'
23 testimony?

24 JUDGE STEIN: I don't think we can take any

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1 testimony.

2 JUDGE BRILLING: You will be providing the
3 minutes of that March 7th meeting?

4 MR. COHEN: We'll provide it.

5 BY JUDGE STEIN:

6 Q You're not providing this now?

7 A (Spivy) I'm providing this to counsel.

8 JUDGE STEIN: Provide it.

9 A (Spivy) I have given him the point of
10 contact. Moving away from EIF, I just really want to
11 make a final few points on the ordering, the business
12 processes that NYNEX is using in particular. Not
13 allowing migration as specified is causing
14 considerable amount of development for our systems.

15 I know that AT&T has had some similar
16 issues. I'm not sure of other CLECs that have been
17 working this issue with NYNEX but we have made no
18 progress and I don't know how much detail I have time
19 to go into here.

20 BY MR. KLEIN:

21 Q What---

22 A Migration specified whereby a CLEC can
23 place an order with NYNEX and specify merely what the
24 customer wants, exactly what the customer wants, so

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1 if the customer wants call waiting, we take the
2 customer order verbatim.

3 What NYNEX is offering, we would have to
4 use the status what's called migration with changes
5 and this type of ordering we have to specify what is
6 specifically everything that needs to come off of the
7 old NYNEX account and then what we want to be added
8 on to this customer, so we indicate all of the
9 outgoing and incoming activity on that account.

10 BY JUDGE STEIN:

11 Q So you'd be saying "take off call waiting;
12 put on call forwarding?"

13 A (Spivy) Take off NYNEX's Gold Package, put
14 on, you know, basic call waiting. What where--our
15 challenges with that is that NYNEX has a very broad
16 offering of different kinds of packages and
17 configurations of services and we will not be just, I
18 guess, transferring that over directly. We might
19 package that differently, present that to the
20 customer differently. Our representative ends up
21 having to learn all of NYNEX offerings in addition to
22 just learning their own service offerings for local
23 service.

24 BY MR. KLEIN:

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1 Q Do you have the customer service record to
2 be able to do that, the CSR?

3 A (Spivy) Yes, to accurately identify what is
4 being taken off and what is coming back on, you would
5 have to obtain a customer service record for every
6 single order.

7 BY JUDGE STEIN:

8 Q And the customer might not know all the
9 things that they are receiving?

10 A (Spivy) Yes. We found that customers may
11 not know specifically, as specifically as we would
12 need to know from the customer service record. You
13 know, we would go through the whole series of
14 offerings and try to ensure that they, that they are
15 getting exactly what they want just as if they were
16 ordering a new line, but with this particular
17 business process, a CSR and detailed analysis of the
18 CSR is required for every single order we submit,
19 which is certainly something in some cases that it is
20 really preferred to look at the CSR of a customer.
21 You have certain customers with really complex
22 offerings that really need to do that comparison and
23 with a number of offers and others.

24 BY MR. KLEIN:

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1 Q If I can interpose a question about the
2 CSR. What is the process for obtaining a customer
3 service record from NYNEX? Through what system do
4 you get that and how well is that system working?

5 A (Spivy) It is my understanding this is
6 offered with the graphical user interface and I spoke
7 earlier about some of the response time issues we
8 found with that problem. I believe this may also be
9 a capability that we can use an EIF type of
10 transaction to get the CSR as well.

11 JUDGE STEIN: Excuse me, if you're going to
12 go back to things that in your affidavit that we
13 have, you don't need to do that because that is
14 already part of the record. If there is
15 anything you want to add, that's fine and I
16 think Mr. Hoe would also want to add *R add
17 something SPAOEUF PAOEUF thank you. I think as
18 far as repair, I think the affidavit summarizes
19 our deissues with regard to repair. I'm pretty
20 much done here but I wanted to give some very
21 specific examples -F what we encountered thus
22 far in AUR trial and THAPBG you for your time.

23 BY MR. KLEIN:

24 Q I have a follow-up question as well

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1 Q I have a follow-up question as well
2 regarding the trial you described. Over what time
3 period was that conducted and what kind of numbers
4 did you use in that trial?

5 A (Spivy) Really, the base of the trial
6 primarily activity has been going on, I think most of
7 the trial set up was going on in January and actual
8 provisioning for resale services was going on during
9 February and March.

10 The two phases where we had a, I guess,
11 about approximately four lines that we were
12 migrating, installing and configuring business lines,
13 and as well as residential lines, pair exchange
14 services and their features.

15 So that was one stage of the trial. The
16 next stage was using employees and trying to
17 provision alternative service lines to their
18 residences, for example, and that sample set with
19 approximately 50. At least the initial provisioning
20 was just being concluded within the last week.

21 Q Have you had any discussions with
22 representatives from NYNEX regarding the results of
23 your test and, if so, what did they tell you
24 regarding some of the problems you've stated here?

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1 A (Spivy) We've been communicating with Jean
2 Rogers our account manager, properly with each of the
3 issues we find and summary of all the issues we found
4 throughout the trial. That's been our primary means
5 of communication. We're still waiting to get a lot
6 of feedback. A lot of issues have come up more
7 recently.

8 Q Thank you. Mr. Hou?

9 A (Hou) Thank you. I just wanted to provide
10 some closing statements about this migration that is
11 specified issue. One is we do not dispute the idea
12 of being able to get the customer review. It accepts
13 a system methodology on how the orders should be sent
14 to NYNEX.

15 It was our understanding in the
16 collaborative process NYNEX would follow, adhere to
17 standards as much as they. We assumed NYNEX would
18 support a migration and specify process which was
19 approved by the standards, it is utilized by
20 Bell-Atlantic, Pacbell, BellSouth. Again, as Nene
21 mentioned, migration specified, we talked to the
22 customer and we only identify what services we want
23 or what the customer wants.

24 What is the impact from a CLEC perspective

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1 of having to use NYNEX's process? The impact is as
2 Nene mentioned we have to build within our systems
3 support for every single NYNEX product or what they
4 call universal service operating code, ordering code,
5 and with that in mind that's extra work that we also
6 have to maintain.

7 Bear in mind, I believe NYNEX from a retail
8 perspective will be continually providing new
9 offerings, new product packages in which they will be
10 regenerating new USOCs and which will have to go
11 update our systems bus and tie. Besides identifying
12 what a customer wants, we have to identify what a
13 customer doesn't want and our systems for keeping the
14 systems have to support it and then the reps have to
15 be trained to see that on the customer service record
16 on them.

17 A (Kouroupas) On the retail side TCG has no
18 comments, just on the unbundled element side.
19 Resale.

20 A (Nelson) Mike Nelson on behalf of Sprint
21 Communications Limited Partnership and I'm here to
22 talk about operational systems associated with resale
23 service offerings.

24 Like others here at the table we have been

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1 doing testing of our own of these systems. That has
2 been going on since the December/January timeframe.
3 I will try not to repeat things that have been said
4 before but my experiences are very similar.

5 I will also try not to repeat things that
6 are in my affidavit, but we will briefly and
7 succinctly. On preorder processes the GUI system is
8 not parity. It requires multiple entries and
9 multiple feedbacks. Also the feedback you receive
10 from the GUI system is not an affirmative response.

11 You don't get a brand new screen. You have
12 to sit there and hit return, see if anything has come
13 back, wait a few seconds, hit return, see if anything
14 has come back. You don't get a new screen. So I'm
15 sure that is much different than the systems that
16 NYNEX is used to using.

17 As far as EIF, the EIF standards for
18 preorder is not an industrial standard and you've
19 heard others say that here today. What that does
20 when a non-industry standard has been implemented by
21 a company and that's one of your choices to use, it
22 creates a very high barrier of entry for resellers.

23 Thus they have to create a unique interface
24 system to interface with that LEC. To the extent a

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1 standard is adopted, then that standard can be used
2 by all companies throughout the country, all LECs
3 within New York and all LECs within the U.S.

4 The last point on preorder was mentioned
5 before was BTM information is not available, is not
6 available. Business telephone number, the billing
7 number is not available from a working telephone
8 number.

9 My experience with this is when switching a
10 line from a Sprint to a NYNEX account, that's the
11 reverse of the way we'd like to see things in the
12 future but was that I provided a working telephone
13 number to the representative and within a matter of
14 moments they were able to provide me with a BTM. So
15 in some way they have access to a system that
16 provides that information.

17 On ordering processes, the GUI is used for
18 ordering processes, also, and, again, the GUI is not
19 parity. It requires dual entry and by dual entry, I
20 mean, I enter information into my system and have to
21 wheel around and enter information into the GUI
22 system, my cost, and then you have to wait on the
23 response times.

24 Also, the GUI--and they are working on

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1 improving this but the GUI provides me as a manager
2 of those systems, no management reports. Any type of
3 feedback on any order that's sent in goes back to
4 that one particular agent that sent the order and as
5 a manager, I have no access to that.

6 I have to go get that agent to look at
7 this. So it is difficult for me to manage the
8 service order process, find out what's in jeopardy,
9 what's delayed, because there is no centralized
10 reporting system for that at this time.

11 The other issue on ordering is the lack of
12 flow through capability. Without the flow through
13 capability, which means you have manual intervention,
14 all of these interface systems whether they are GUI,
15 whether they are EIF or whether they are EDI are
16 "fancy E-mail systems." Essentially someone either
17 receives a fax or they receive an E-mail and they
18 have to wheel around and type it into the system
19 again.

20 There has been some progress. I guess they
21 entered some testing with four, seven or eight
22 service order types to begin this flow through
23 process, but with the EDI format that we were working
24 on, there were 39 service order types to find, and to

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1 date there are at most eight types of service orders
2 with flow through capability.

3 Touching on as-specified, which was briefly
4 discussed before, I'd just like to bring up four
5 things: The fact that we do not have as-specified
6 what it means to the competitive industry.

7 One, it forces costs upon the reseller and
8 by that I mean costs in terms of I have to pay
9 someone to go look up the customer's CSR, the
10 customer service record. I have to pay seat time for
11 that.

12 In addition, I have to pay the query
13 charges that NYNEX has recently tariffed or attempted
14 to tariff for the retrieval of CSRs. I have no
15 option. Those costs are forced upon me.

16 It also forces Sprint and the other CLECs
17 to mimic the NYNEX USOCs in their own system, so I
18 have to mimic the products and services that NYNEX
19 offers. I don't want to mimic the products and
20 services that NYNEX offers. I want to provide my own
21 products and services.

22 BY JUDGE LEE:

23 Q Do you want to enter some paragraph 10 to
24 your affidavit? This seems like the point you have

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1 there. I don't know if there is more you want to add
2 to it.

3 A (Nelson) That is all I have to say on that
4 as-specified. As far as EDI, as one of the ordering
5 processes, the EDI process that's currently being
6 promoted by NYNEX is an old version, and it's--we
7 believe it is on old version, Version 5? We're not
8 sure.

9 The current standard for EDI is Version 7,
10 and, again, if it is non-standard it forces costs on
11 the new entrants. It's a unique type of interface
12 that would increase our costs especially if every LEC
13 in the United States had a different interface type.

14 The same goes for EIF for service order
15 processing.

16 Two more issues, disconnects and repair.
17 On disconnects, when a customer leaves Sprint for
18 NYNEX or for AT&T or MCI or Community Telephone,
19 whoever, we receive no notification of that
20 disconnect other than through the bill. What we
21 requested and have not been provided is a firm
22 commitment that it will be provided is a notice of
23 disconnect.

24 The reason that's so important is the

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1 customer leaves us and we don't know about it; then
2 they're going to get a bill from their new carrier?
3 They're going to get a bill from us over the same
4 time period and we want to prevent double billing.
5 It is not in anybody's best interests that occurs.

6 Then on the issue of repair, we have done a
7 lot of testing with NYNEX Repair Center, and one
8 thing--I don't want to duplicate anything that's been
9 said before, but when we call and report a trouble
10 ticket on a Sprint line, we've done this for nearly
11 two months now, the NYNEX Repair Center should not
12 take that trouble ticket because it is a Sprint
13 customer. They should refer them to their local
14 telephone provider or to Sprint.

15 What has happened, they take our trouble
16 ticket, and they are not redirecting the customer to
17 call their local telephone service provider. NYNEX
18 is committed to fix this but because it has gone on
19 for two months, that is why I'm bringing it up here.

20 So to close, my, just two general issues
21 about operational support systems; they are not a
22 parity and they're non-standard. That's all I have.
23 Thank you.

24 BY MR. KLEIN:

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1 Q Mr. Nelson, the issues which you raised
2 here today, have you raised those with NYNEX and have
3 they responded to those concerns?

4 A (Nelson) Yes, and we have a good working
5 relationship with NYNEX. They are agreeable to talk
6 about these things, very friendly people, but we have
7 not gotten the responses that we believe we should
8 have, as far as commitments when things are going to
9 be fixed, when fixes will be in place. We're working
10 own those things right now.

11 Q Thank you. Is there anything else on
12 resale from the competitor standpoint before we move
13 on?

14 Do you have something else, Mr. Kennedy?

15 A (Kennedy) There is one other issue which
16 I'd like to surface and it was touched upon by the
17 recent speaker and that was we continue to have
18 Community Telephone customers contacted by NYNEX and
19 with the service referred to as their NYNEX service,
20 both through direct mail pieces, and I understand
21 that steps are being taken; however, we are still
22 having customers being contacted by indirect mail
23 pieces.

24 Secondly, after field visits either for

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1 repair or for installation, approximately 40 percent
2 of our customers have called us indicating they have
3 recently gotten a call from a NYNEX employee
4 inquiring as to the status of the repair or the
5 installation of the NYNEX service.

6 And most seriously to us is we have had 15
7 and as of actually this last week our 16th customer
8 who was, after transferring over to Community
9 Telephone, had their service suspended by NYNEX for a
10 billing dispute that dates back to their time prior
11 to switching to Community Telephone, and that was a
12 situation that we were advised there was a manual
13 process put in place to prevent that from happening,
14 and it did disappear until again last week it
15 happened again, which makes me just concerned about
16 the accuracy and viability of a manual process.
17 Thank you.

18 Q Thank you.

19 JUDGE STEIN: You have follow-up questions
20 of the NYNEX panel based on this?

21 MR. KLEIN: There's one question I wanted
22 to see where we wanted to go. I imagine there
23 are some comments NYNEX panel would like to make
24 in response to what we heard from competitors.

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1 I think that would be a good idea to move on to
2 the unbundled element side unless Mr. Rowe has
3 something more?

4 MR. ROWE: We would need time to confer on
5 that. I thought we'd have whatever examination
6 we were going to have at this point and then the
7 panel will take the opportunity to follow.

8 JUDGE STEIN: We've been doing it in the
9 other order but that's okay with me because
10 there was a lot was raised in this last round.
11 Would some of the other parties' attorneys like
12 to put some questions at this point? Craig, do
13 you want to lead off?

14 Do you want to take the break to confer and
15 respond after the break? Will that be adequate?

16 MR. KLEIN: That's what would make the most
17 sense to me sitting over here. I think if you
18 want to pick up again, then go to NYNEX and--

19 JUDGE STEIN: Then we'll move on to the
20 unbundled elements after you respond. Okay, so
21 let's take from now until 4 o'clock, so,
22 gentlemen, really two and-a-half minutes apiece.
23 No mercy.

24 MR. DINGWALL: Thank you.

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1 Q Craig Dingwall for Sprint. I have a few
2 questions regarding stress testing. Has NYNEX
3 performed stress testing for its OSS systems?

4 A (Miller) The predominant testing that NYNEX
5 executes on its systems from going to operation were
6 mainly, obviously, making sure they worked in a
7 sequential manner, they worked together with the
8 complicated systems they interface with and then, in
9 addition to that, there had to be a guarantee there
10 was not a disruption for the existing operations in
11 place with the other test. That was a significant
12 amount of the testing effort.

13 We then in fact conducted tests with a
14 nominated resale company to ensure the end-to-end
15 testing and resale was successful. In terms of
16 stress testing per se, there was not stress testing
17 methods put in place in terms of generating mass
18 transactions and so on and forth to gather the
19 results of that. That was not.

20 MR. KLEIN: I'm sorry, Mr. Dingwall, could
21 we get an explanation as to what stress testing
22 envisions?

23 A (Miller) I'm sorry, I thought you asked the
24 question.

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1 BY MR. DINGWALL:

2 Q What does stress test means to as you
3 understand?

4 A (Miller) Stress test means one would take a
5 system and you would either take components of it or
6 entire end-to-end system and subject it to very high
7 volumes of traffic and understand what its strength
8 and weakness points are.

9 Q For how many carriers has NYNEX
10 stress-tested its systems?

11 A (Miller) I indicated there was no stress
12 testing by that definition.

13 Q There were no carriers. That's for resale?

14 A (Miller) That's correct.

15 Q What about with respect to unbundled
16 network elements?

17 A (Miller) That has not been found your
18 HRUPBLGDed net element action. Basically the same
19 place that was in place essentially.

20 Q Does NYNEX have any idea or estimate of the
21 capacity of orders that can order, for example, 500
22 orders for month for resale?

23 A (Miller) The capacity issue with regard to
24 the STP-PLS consequently in very component, for